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DEC 04 2003

**OFFICE OF PETITIONS
NOTICE**

In re Application of
James C. Sturm et al
Application No. 09/673,204
Filed: February 1, 2001
Attorney Docket No. 7616/21

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc.** 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (703) 306-5684.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
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This file is being forwarded to Technology Center AU 1742.

Irvin Dingle
Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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NOV 24 2003

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

**CORRECTION OF SMALL ENTITY
STATUS AND FEE DEFICIENCY
PAYMENT UNDER 37 C.F.R. § 1.28(c)**

Docket Number:
10020/28302

Confirmation No.:
3470

Application Number
09/673,204

Filing Date
February 1, 2001

Examiner
CLEVELAND, Michael B.

Art Unit
1762

Invention Title
**MODIFICATION OF POLYMER
OPTOELECTRONIC PROPERTIES AFTER
FILM FORMATION IMPURITY ADDITION
OR REMOVAL**

Inventor(s)
STURM et al.

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: 11/18/03

Signature: *Thomas F. Meagher*
Thomas F. Meagher (Reg. No. 29,831)

SIR:

Applicants hereby submit that small entity status was established or maintained in good faith and fees as a small entity were paid in good faith. Applicants later discovered that such status as a small entity was established or maintained in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by 37 C.F. R. § 1.27(g)(2).

Accordingly, Applicants request that the small entity status be withdrawn and that the Office charge the deficient fees to Deposit Account No. 11-0600 as itemized below. Applicants further request that the error in establishing or maintaining small entity status be excused in view of Applicants' compliance with 37 C.F. R. § 1.28(c)(1) and (c)(2).

Itemization of Fee Deficiency Payment:

	Fee <u>Paid</u>	Current <u>Fee</u>	Deficiency <u>Owed</u>
Basic National Stage Filing Fee paid 10/12/00	\$345.00	\$730.00	\$385.00
Additional Claims Fee 10/12/00(16 claims extra)	\$144.00	\$288.00	\$144.00
Extra Independent Claims Fee 10/12/00 (3 extra)	\$117.00	\$258.00	\$141.00
Late Filing of Declaration Surcharge of 10/12/00	\$ 65.00	\$130.00	\$ 65.00
<u>Two Month Extension of Time Fee of 1/29/01</u>	<u>\$195.00</u>	<u>\$420.00</u>	<u>\$225.00</u>
TOTAL FEES DUE	\$866.00	\$1,826.00	\$960.00



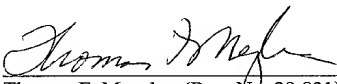
Accordingly, the Office is authorized to charge the **\$960.00** (deficiency) to the Deposit Account of Kenyon & Kenyon, **Deposit Account No. 11-0600**. The Office is also authorized to charge any additional fees or credit any overpayment arising from this communication to the same account.

A duplicate copy of this letter is enclosed for charging purposes.

Respectfully submitted,

Date: 11/18/03

By:


Thomas F. Meagher (Reg. No. 29,831)

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